

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Fitzroy Brown

Docket No. 5:09-CR-273-1FL

Petition for Action on Supervised Release

COMES NOW Michael C. Brittain, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Fitzroy Brown, who, upon an earlier plea of guilty to Attempt to Possess Methamphetamine and MDMA with Intent to Distribute in violation of 21 U.S.C. § 846, and Aiding and Abetting in violation of 18 U.S.C. § 2, was sentenced by the Honorable John R. Padova, U.S. District Judge for the Eastern District of Pennsylvania, on May 17, 2007, to the custody of the Bureau of Prisons for a term of 46 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
2. The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to testing to ensure compliance. It is further ordered that the defendant submit to evaluation and treatment as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and remain in treatment until satisfactorily discharged with the approval of the U. S. Probation Office.
3. The defendant shall notify the United States Attorney for this district within 30 days of any change of mailing or residence address that occurs while any portion of the fine remains unpaid.
4. The court very strongly recommends that the defendant be immediately admitted into an intensive drug therapy program.
5. It is further ordered that the defendant shall pay to the United States a special assessment of \$100, which shall be due immediately. (Paid in full)
6. It is further ordered that the defendant shall pay a fine of \$1,000, which shall be due immediately. The court recommends that the defendant make fine/restitution payments from any wages he/she may earn in prison in accordance with the Bureau of Prisons Financial Responsibility Program. Any portion of the fine/restitution that is not paid in full at the time of the defendant's release from imprisonment shall become a condition of supervision and shall be due at the minimum rate of \$100 per month to commence 60 days from release of imprisonment to a term of supervision. (Paid in full)

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Fitzroy Brown was released from custody on May 1, 2009, at which time the term of supervised release commenced in the Eastern District of North Carolina. On September 4, 2009, jurisdiction was transferred to the Eastern District of North Carolina.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Mr. Brown has been unemployed since July 2010 and has a desire to pursue a career as a truck driver; however, he is unable to afford the cost of tuition and books. Through funds made available by the Second Chance Act, the defendant requested financial assistance in order to cover the cost of tuition and books for the North Carolina Truck Driver School at Johnston Community College in Smithfield, North Carolina. Mr. Brown is in compliance with all of the terms and conditions of his supervised release. As such, we are recommending that Mr. Brown's supervised release be modified to include participation in a vocational training program in order to hold him accountable for the financial assistance provided to him. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a vocational training program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

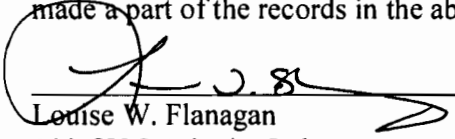
/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: November 19, 2010

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ORDER OF COURT

Considered and ordered this 23rd day of November, 2010, and ordered filed and made a part of the records in the above case.



Louise W. Flanagan
Chief U.S. District Judge